

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.20048 of 2020

RIYASKHAN

..Petitioner

.vs.

1 THE SUPERINTENDENT OF POLICE
PERAMBALUR DISTRICT
PERAMBALUR.

2 THE INSPECTOR OF POLICE
(ANTI LAND GRABBING WING)
PERAMBALUR
PERAMBALUR DISTRICT.

..Responden

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register FIR based on the complaint of the petitioner dated 08/10/2020 on the file of the 2nd respondent.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to register FIR based on the complaint of the petitioner dated 08/10/2020 on the file of the 2nd respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. This petition is not maintainable, in view of the Order passed by a Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur reported in (2018) 2 LW Cr1 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M. Subramaniam v. S. Janaki reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its

jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154(3) of Cr.P.C., and Section 156(3) of Cr.P.C. Liberty is given to the petitioner to workout his remedy as per the directions issued by the Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mra
To

- 1 THE SUPERINTENDENT OF POLICE
PERAMBALUR DISTRICT
PERAMBALUR.
- 2 THE INSPECTOR OF POLICE
(ANTI LAND GRABBING WING)
PERAMBALUR
PERAMBALUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

Cr1.O.P. No.20048 of 2020

RR(CO)
SP(29/01/2021)

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